

REGULAR CITY COUNCIL MEETING
JANUARY 28, 1991

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex Harris	Council Member

ABSENT

Wesley Bloomfield	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Alan Riding	Asst. Public Works Director
Kelly Cloward	Delta City Resident
Jeff Steele	Delta City Resident
Mike Steele	Boy Scout of America
Diane Stewart	Delta City Resident
Josh Stewart	Boy Scout of America
Kenneth Fowles	Millard Co. Farm Bureau
Tom Chandler	Delta City Resident
Gordon Leon Nielson	Millard County Resident
Scott P. Bassett	Delta North Elementary
Kenneth Topham	Millard School District
Howard Clayton	Millard School District
Keith T. Griffiths	Millard School District
Casey Shields	Boy Scout of America
Clinton Nielson	Boy Scout of America
DeAnn Burton	Delta North Elementary
Morris Burton	Delta City Resident
Roger Stanworth	Millard School District
D. Scott Nickle	Millard School District
Jetta Swalberg	DNES PTA President

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

Discussion was held regarding an amendment to the 1990-1991 Library Budget that was approved in the minutes of a Regular City Council Meeting held January 14, 1991. Following discussion, Council Member Rex Harris MOVED to amend the minutes of January 14, 1991, to reflect that the increase in the Library Budget will be considered in a June 1991 Public Hearing regarding final approval of the 1990-1991 Budget. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held January 14, 1991, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Gayle Bunker MOVED that the minutes be approved as amended. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$4,130.96. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESS

ATTORNEY RICHARD WADDINGHAM: EXTENSION OF GTE AIRPHONE LEASE AGREEMENT

Mayor Dafoe asked Attorney Richard Waddingham to present an Airport Ground Station Site Lease Agreement.

Attorney Richard Waddingham presented and reviewed an Airport Ground Station Site Lease Agreement between Delta City and GTE Airfone Inc.

Following discussion, Council Member Gayle Bunker MOVED to approve the contract for Airport Ground Station Site Lease between Delta City and GTE Airfone Inc. as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Absent
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

NEW BUSINESS

PROPOSED RESOLUTION APPROVING A CONTRACT BETWEEN DELTA CITY AND GTE AIRFONE, INC., FOR THE PURPOSE OF ALLOWING GTE AIRFONE, INC., TO LEASE GROUND SPACE AT THE DELTA MUNICIPAL AIRPORT FOR AIR TO GROUND TELEPHONE COMMUNICATIONS

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed resolution approving a contract between Delta City and GTE Airfone Inc. for Airport Ground Station Site Lease.

Attorney Richard Waddingham presented the following proposed resolution entitled:

RESOLUTION NO. 91-196

A RESOLUTION OF THE DELTA CITY COUNCIL APPROVING A CONTRACT BETWEEN DELTA CITY AND GTE AIRFONE, INC., FOR THE PURPOSE OF ALLOWING GTE AIRFONE, INC., TO LEASE GROUND SPACE AT THE DELTA MUNICIPAL AIRPORT FOR AIR TO GROUND TELEPHONE COMMUNICATIONS.

Following discussion, Council Member Gayle Bunker MOVED to approve Resolution No. 91-196 to approving a contract between Delta City and GTE Airfone Inc. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Absent
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

DR. THOMAS CHANDLER: HOUSE BILL 165

Mayor Dafoe asked Dr. Thomas Chandler to address the Council regarding House Bill 165.

Dr. Chandler asked Kenneth Fowles to address the Council.

Mr. Kenneth Fowles, representing the Millard County Farm Bureau, addressed the Council and presented a the following information:

SUPPORT FOR H.B. 165

"SITING REGULATION FOR INCINERATION OF HAZARDOUS WASTE"

* Ash Grove Cement West, Inc., located in Leamington Canyon, currently uses 60,000 to 90,000 tons of Utah coal to fuel its cement kiln. The facility would like to replace up to 40% of its Utah coal feedstock with hazardous waste, some of which will be shipped in from California. (Source: Ash Grove Fact Sheet 1989-90)

* The proposed Ash Grove facility is located directly on top of the main recharge zone for the West Millard County and the Sevier Desert Area. This reservoir is the main source of culinary and irrigation water in Millard County. (Source: Ground-Water Hydrology of the Sevier Desert, prepared by the Geological Survey 1968)

* An accident involving the transportation or burning of hazardous waste in Ash Grove's cement kiln would have potentially catastrophic impacts on drinking water and agriculture in Millard County.

* In December 1990, the EPA adopted rules for cement kilns similar to those for commercial hazardous waste incinerators, after determining that cement kilns burning hazardous waste are harmful to public health an environment. (Source: EPA/530-/SW-91-014)

* The Utah legislature established siting criteria for commercial hazardous waste incinerators. Now that EPA regulates cement kilns burning hazardous waste the same as it does for commercial hazardous waste incinerators, it would be good public policy to apply the siting criteria to such facilities. Application of the siting criteria to Ash Grove's cement kiln proposal would protect West Millard County's citizens and agriculture.

Located down hill and less than one mile from the Ash Grove facility is the Sevier River, the main source of surface water for the West Millard County and the Sevier Desert Area.

Dr. Thomas Chandler then addressed the Council and requested their support for House Bill 165. Following brief discussion, Council Member Robert Droubay MOVED that Delta City support House Bill 165. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Dr. Chandler requested that Mayor Dafoe write a letter to Senator Cary Petersen, Representative Joseph Moody and to Governor Bangerter expressing Delta City's support of House Bill 165.

BOARD OF EDUCATION: PROPOSED SCHEMATIC DESIGN AND LOCATION OF NEW DELTA NORTH ELEMENTARY SCHOOL

Mayor Dafoe asked Superintendent Kenneth Topham, Millard School District, to address the Council regarding the proposed schematic design and location of a new Delta North Elementary School.

Superintendent Topham addressed the Council and explained that a bond election was passed in the Fall of 1990 to build a new Delta North Elementary School. He further explained that the original plans for a Delta North Elementary School have been enlarged to possibly incorporate the 5th grade students back into the elementary school. Mr. Topham requested the Council's support of their plans and then asked Principal Scott Bassett to present the schematic design and location of the school to the Council.

Principal Scott Bassett displayed a drawing of the proposed location and design for a new Delta North Elementary. The proposed location for the new school is at approximately 100 North 100 East. Mr. Bassett explained and requested Council's approval to close 100 East Street from 50 North to 150 North and to close 100 North Street from 150 East to 100 East and use those streets as bus and student access areas to the school.

Lengthy discussion was held regarding the proposed location of the school and the infrastructure of Delta City's utilities, i.e. storm drains and water and sewer lines. The proposed location of the school building would be situated directly above the City's main utility lines, which Public Works Director Neil Forster said would not be allowable.

Following further discussion, the Council asked Superintendent Topham to meet with Public Works Director Neil Forster to address the concerns regarding the placement of the school. The Council was in favor of the proposed location for the school, subject to Mr. Forster's approval of the placement of the school so as not to interfere with the City's utility lines.

COUNCIL MEMBER WESLEY BLOOMFIELD: APPOINTMENT OF PLANNING COMMISSION MEMBERS

In view of Council Member Wesley Bloomfield's absence, Mayor Dafoe recommended that Larry Taylor and Pauline Warner be reappointed to the Planning & Zoning Commission.

Following brief discussion, Council Member Gayle Bunker MOVED to reappoint Larry Taylor and Pauline Warner to the Planning Commission. Mayor Dafoe asked if there were any comments or

questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The Planning Commission's members and terms are now as follows:

Wesley Bloomfield, Council Member	1992
Robert Shepherd	1992
Kathy Defabio	1992
Gary Church, Chairman	1993
Rick Moultrie	1993
Pauline Warner	1994
Larry Taylor	1994

These terms expire the first Monday of February in the year of expiration.

ATTORNEY RICHARD WADDINGHAM: PROPOSED PROCEDURE FOR WRITING OFF
BAD DEBTS FOR DELTA CITY

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed procedure for writing off bad debts for Delta City.

Attorney Richard Waddingham said that he met with Public Works Director Neil Forster and Public Works Secretary Rita Byrd and discussed the Public Works Department's procedure for writing off uncollectible utility accounts. Mr. Waddingham said that their current procedure works very well; however, the current ordinance needs to be amended to include the procedure for writing off uncollectible accounts. He said he would prepare an ordinance for Council's approval at the next Regular City Council Meeting.

Council Member Gayle Bunker MOVED to table discussion of this item until the next Regular City Council Meeting. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: NUISANCE ORDINANCE REGARDING DUST AND
NOISE

Mayor Dafoe explained that complaints have been received from some of the White Sage Subdivision residents regarding dust and noise coming from motorcycles being ridden on nearby property. He asked Attorney Waddingham to discuss what action should be taken by Delta City to control this.

Attorney Waddingham said that when three complaints have been received and if the complainants are willing to testify, the City can then start legal proceedings against the nuisance.

Attorney Waddingham recommended that a letter be sent to the property owner allowing the motorcycle riding to take place and

inform him of the complaints and to warn him of possible future action. The Council instructed him to do so.

PUBLIC WORKS DIRECTOR NEIL FORSTER: DISPOSITION OF SURPLUS POLICE RADIOS

Mayor Dafoe asked Public Works Director Neil Forster to discuss the disposition of surplus police radios with the Council.

Public Works Director Neil Forster asked the Council what their plans were for the disposition of the former Delta Police Department's surplus radios, firearms, etc.

Discussion was held regarding the disposition of surplus police equipment, and Mr. Forster recommended that the Public Works Department be allowed to keep one mobile and one handheld radio, and that Assistant Public Works Director Alan Riding be assigned one mobile and one handheld radio. The Council concurred with Mr. Forster's recommendation. He further recommended that the remaining surplus radios be sold to the Millard County Sheriff's Posse.

Following discussion, Council Member Robert Dekker MOVED that the surplus radios be sold to members of the Millard County Sheriff's Posse at \$200 per handheld radio without batteries and \$400 per mobile radio. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Discussion was held regarding the disposition of surplus firearms, ammunition and clothing. Public Works Director Neil Forster was instructed to compile a list of remaining surplus equipment to present at the next Regular City Council Meeting for further discussion.

PUBLIC WORKS DIRECTOR NEIL FORSTER: GSA HANGAR CONSTRUCTION FINANCING

Mayor Dafoe asked Public Works Director Neil Forster to discuss financing for the construction of a Hangar for General Services Administration (GSA), Department of Agriculture.

Public Works Director Neil Forster explained that GSA has contacted him to see if Delta City would be willing to construct a hangar that could be leased to GSA to park their animal control plane in. He said that GSA is interested in a 10-year lease - five-year firm.

Mr. Forster said that he obtained a bid for construction of a hangar in the amount of \$42,585. However, this amount does not include approximately \$2,500 additional work required from Delta City. Also, Mr. Forster said that the funds that were available

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for the construction of a hangar have been used and are no longer available.

Following discussion, Council Member Robert Dekker MOVED that the City Council terminate the possibility of constructing a hangar for GSA. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: APPOINTMENT OF PUBLIC DEFENDER

Mayor Dafoe explained that a new Public Defender needs to be appointed for Delta City and recommended that Lawrence Hunt from Richfield be appointed. Mr. Hunt charges a flat fee of \$75.00 per hour.

Following brief discussion, Council Member Robert Droubay MOVED to appoint Lawrence Hunt as Delta City's Public Defender. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Council Member Robert Droubay said that Librarian Deb Greathouse and the Library Board has requested that the Council consider a building addition to the Library. Mr. Droubay recommended that at the end of the next Regular City Council Meeting the Council take a tour of the Library and listen to the Library Board's proposal.

Discussion was held regarding a by-pass road to IPP.

Mayor Dafoe explained that he received a Warranty Deed from Rex C. Day and Beverly B. Day to the City of Delta and asked Attorney Richard Waddingham to find out what it is for.

Discussion was also held regarding the rental payments due on Pete Shield's hangar at the Delta Municipal Airport. This item will be discussed further at the next Regular City Council Meeting.

Discussion was held regarding the budgeting of Delta City's \$10,000 commitment toward an Airport Upgrade Project.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding


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the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:15 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 2-25-91